

REMARKS

Claims 1-6 are pending in the application. Independent claims 1 and 5 have been amended by the present amendment. The amendments are fully supported by the application as originally filed.

Applicants' claimed invention is directed to an image processing device and method in which suspension of an invalidation or deletion operation to clear a data storing means is carried out while the invalidation is being performed (see, e.g., independent claims 1 and 5). As amended, independent claims 1 and 5 also recite that suspension of the invalidation occurs "after it is confirmed that a user who requested the suspension of the invalidation is a certified user" (independent claim 1; *see also* independent claim 5).

According to the Applicants' invention, the invalidation can be performed to improve security by preventing the leakage of data processed by an image processing device. According to the subject application, in order to avoid decreasing the security level on account of unnecessary suspension of the invalidation, the invalidation is suspended only when the user instructing the suspension is certified.

Claim 1 was rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 7,170,622 to Nobuhara et al. ("Nobuhara") in view of U.S. Patent Application Publication US 2002/0032703 to Gassho et al. ("Gassho"). Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Nobuhara in view of Gassho, further in view of Japanese Publication 09-284572 to Rieko et al. ("Rieko"). Claims 3 and 4 were rejected under 35 USC 103(a) as being unpatentable over Nobuhara in view of Gassho, further in view of Rieko, and further in view of U.S. Patent Application Publication US 2001/0000360 to Shibata. Claims 5 and 6 were rejected under 35 USC 103(a) as being unpatentable over Nobuhara in view of Rieko, further in view of Shibata. These rejections are respectfully traversed.

It should be noted that Nobuhara is **not** prior art to the subject application under 35 USC 103.

Specifically, Nobuhara does not qualify as prior art under 35 USC 103(c), and therefore cannot be used in a rejection of claims under 35 USC 102(e)/103. The subject application and Nobuhara have the same assignee, *Sharp Kabushiki Kaisha* of Osaka, Japan, and were commonly owned at the time the invention was made.

That is, the subject application and Nobuhara were, at the time the invention was made, owned by Sharp Kabushiki Kaisha. Therefore, under MPEP 706.02(1)(1) and (1)(2), Nobuhara is not prior art to the subject application under 35 USC 103(c).

Because Nobuhara is not prior art to the subject application for the purpose of obviousness, the rejections under 35 USC 103(a) involving Nobuhara are rendered moot.

However, for sake of completeness, the references will be discussed in summary form.

The cited references (Nobuhara, Gassho, Rieko, and Shibata) do not teach or suggest that suspension of an invalidation operation occurs while the invalidation is being performed, and certification or permission of a certified user is required to suspend the invalidation being performed.

In Nobuhara, "the image data stored in the image processing apparatus is automatically erased in accordance with the status of the image processing apparatus" (see column 13, lines 46-49). A time slot for automatically erasing the image data is determined based on the usage status of the image processing apparatus (see column 15, lines 38-42). Further, the image data that has been temporarily stored is automatically erased "based on the past operational log" (see column 15, lines 51-55).

In Gassho, it is possible to set before printing whether printing job data will be held after printing or not, and the printing job data is either held or deleted based on the setting (see, e.g., paragraph 0115 and FIGS. 4, 5, and 10 of Gassho).

In Rieko, data which has been processed in the apparatus is deleted unless a request of suspension of data deletion has been made (see, e.g., English-language abstract).

In Shibata, print job data is read out and deleted in response to input of a predetermined password, and input of a password specifying a set of confidential print data may not only permit printing of the set of confidential print data but also instruct printing, deletion, or the like of all sets of confidential data (see, e.g., paragraphs 0005, 0006, 0072, 0073, and 0077).

However, the above cited references, whether taken alone or in combination, do not teach or suggest that suspension of an invalidation operation occurs while the invalidation is being performed, and certification or permission of a certified user is required to suspend the invalidation being performed.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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